

27



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,771	02/12/2002	Steven D. Williams	PW 0246909 P12608	7170

8791 7590 02/22/2006

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EXAMINER

HAROON, ADEEL

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,771	<b>Applicant(s)</b> WILLIAMS, STEVEN D.	
	<b>Examiner</b> Adeel Haroon	<b>Art Unit</b> 2685	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-13,15-21,23-29 and 31-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13,15-21,23-29 and 31-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 10/11/05.

Claims 1-3, 5-13, 15-21, 23-29, 31-45 are still pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 5-13, 15-21, 23-29, 31-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-13, 15-21, 23-29, 31-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Franco (U.S. 2002/0046407) in view of Safadi et al. (U.S. 2002/0009285).

With respect to claim 1, Franco discloses a system to record an input signal representing an audio signal (Abstract and Paragraph 60). Franco discloses at least one tuner/sampler device to receive and sample the input signal, wherein the input signal is receivable via a radio transmission (Paragraph 67). Franco also discloses a reception controller device to configure settings of the at least one tuner/sampler device (Paragraphs 13 and 21). Franco further discloses a recordation control device to control the recording of the input signal, wherein the recordation control device controls the reception controller device (Paragraph 92). Moreover, Franco discloses a communication device to receive recording instructions from a remote device and transmit the recording instructions to the at least one tuner/sampler device, wherein the communication device receives the recording instructions via at least a network (Paragraphs 92 and 108). Franco teaches that his system can be applied to other types of media in Paragraph 60 but does not expressly disclose recording Internet broadcasts. However, Safadi et al. disclose a system to record an input signal representing an audio signal (Paragraph 2) thus making it analogous art since it is in the same field of endeavor. Safadi et al. teach using at least two tuners that can both receive input signals to be recorded via radio transmission and Internet (Paragraph 47). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Safadi et al.'s Internet broadcast recording technique to the system of Franco in order to provide the user recording functions from different sources (Franco Paragraph 47).

With respect to claims 2 and 12, Safadi et al. further teach that the input signal is a streaming signal broadcast via the Internet (Paragraph 47).

With respect to claims 3, 13, 21, and 29, the recording instructions must include settings for a source IP address in order to record the input signal from an Internet source.

With respect to claims 5, 15, 23, and 31, Franco further discloses a web server to publish a web page for the tuner/sampler device (Paragraph 64).

With respect to claim 6, Franco further discloses that the reception controller device is housed with the recordation control device (Paragraph 92).

With respect to claims 7, 16, 24, and 32, Safadi et al. further teach that recordation control device implements a recording routine to constantly record a signal, and when prompted by a user, continue to record the signal and save to a file, along with signal data that was recorded up to a predetermined time before the user's prompt (Paragraph 76).

With respect to claims 8, 17, 25, and 33, Franco further discloses that the remote device is a computer executing a web browser program to send the recording instructions to the communication device (Paragraphs 62-64).

With respect to claims 9, 18, 26, and 34, Safadi et al. further teach that control device determines which of the tuner devices receive the best input signal to record (Paragraph 18).

With respect to claims 10, 19, 27, and 35, Franco further discloses that the recordation control device uses the communication device to contact a programming

Art Unit: 2685

directory to determine available programs transmitted in the input signal to the at least one tuner/sampler device (Figure 14 – electronic program guide).

With respect to claim 11, Franco discloses a method to record an input signal representing an audio signal (Abstract and Paragraph 60). Franco also discloses configuring settings of at least one tuner/sampler device (Paragraphs 13 and 21). Franco further discloses receiving the input signal, wherein the input signal is receivable via a radio transmission, sampling the input signal, and recording the input signal (Paragraph 92). Franco further discloses receiving recording instructions from a remote device, wherein the recording instructions are at least receivable via a network (Paragraphs 92 and 108). Franco teaches that his method can be applied to other types of media in Paragraph 60 but does not expressly disclose recording Internet broadcasts. However, Safadi et al. disclose a method to record an input signal representing an audio signal (Paragraph 2) thus making it analogous art since it is in the same field of endeavor. Safadi et al. teach using at least two tuners that can both receive input signals to be recorded via radio transmission and Internet (Paragraph 47). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Safadi et al.'s Internet broadcast recording technique to the method of Franco in order to provide the user recording functions from different sources (Franco Paragraph 47).

With respect to claim 20, Franco discloses an article with a storage medium having stored thereon first instructions that when executed by a machine result in configuring settings of at least one tuner/sampler device (Paragraphs 13 and 21). Franco

Art Unit: 2685

also discloses receiving the input signal, wherein the input signal is receivable via a radio transmission, sampling the input signal, and recording the input signal (Paragraph 92). Franco further discloses receiving recording instructions from a remote device, wherein the recording instructions are at least receivable via a network (Paragraphs 92 and 108). Franco teaches that his method can be applied to other types of media in Paragraph 60 but does not expressly disclose recording Internet broadcasts. However, Safadi et al. disclose a method to record an input signal representing an audio signal (Paragraph 2) thus making it analogous art since it is in the same field of endeavor. Safadi et al. teach using at least two tuners that can both receive input signals to be recorded via radio transmission and Internet (Paragraph 47). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Safadi et al.'s Internet broadcast recording technique to the method of Franco in order to provide the user recording functions from different sources (Franco Paragraph 47).

With respect to claim 28, Franco discloses an apparatus to control the recording of input signal representing an audio signal (Abstract and Paragraph 60). Franco also discloses a reception controller to set an input signal source for at least one tuner/sampler device, wherein the input signal is receivable via a radio transmission (Paragraphs 92 and 108). Franco further discloses a receiver to receive recording instructions from at least one communication device, wherein the at least one communication device receives recording instructions from a remote device, and the recording instructions are at least receivable via a network (Paragraphs 92 and 108). Moreover, Franco discloses a processing device to control the reception

Art Unit: 2685

controller(Paragraph 92). Franco teaches that his system can be applied to other types of media in Paragraph 60 but does not expressly disclose recording Internet broadcasts. However, Safadi et al. disclose a system to record an input signal representing an audio signal (Paragraph 2) thus making it analogous art since it is in the same field of endeavor. Safadi et al. teach using at least two tuners that can both receive input signals to be recorded via radio transmission and Internet (Paragraph 47). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Safadi et al.'s Internet broadcast recording technique to the system of Franco in order to provide the user recording functions from different sources (Franco Paragraph 47).

With respect to claims 36, 39, 42, and 44, Franco further discloses that the network is the Internet (Paragraph 13).

With respect to claims 37 and 40, Franco further discloses that the input signal is a transmitted radio signal (Paragraph 13).

With respect to claims 38, 41, 43, and 45, Franco further discloses that the recording instructions include settings for a source radio frequency channel (Paragraph 146).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adeel Haroon whose telephone number is (571) 272-



Art Unit: 2685

7405. The examiner can normally be reached on Monday thru Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH  
2/15/06

*Nguyen Vo*  
2-17-2006

**NGUYENT.VO**  
**PRIMARY EXAMINER**